

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LEYVA-MARTINEZ,
STEVEN SAINSBURY,

Defendants.

8:21CR232

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 103). The Court has carefully reviewed the record in this case and finds as follows:

1. On April 8, 2022, defendant Steven Sainsbury ("Sainsbury") pleaded guilty to Counts I and V and admitted to the Forfeiture Allegation of the of the Indictment (Filing No. 1). Count I charged Sainsbury with conspiracy to distribute and possess with intent to distribute 50 grams or more of methamphetamine (actual), in violation of 21 U.S.C. §§ 846 and 841(a)(1). Count V charged Sainsbury with possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A).

2. On January 6, 2023, defendant Jose Leyva-Martinez ("Leyva-Martinez") pleaded guilty to Counts I and IV of the Indictment and admitted the Forfeiture Allegation of the Indictment (Filing No. 1). Count I charged Leyva-Martinez with conspiracy to distribute and possess with intent to distribute 50 grams or more of methamphetamine (actual) in violation of 21 U.S.C. §§ 846 and 841(a)(1). Count IV charged Leyva-Martinez with possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A).

3. Pursuant to 21 U.S.C. § 853(a), the Forfeiture Allegation of the Indictment sought forfeiture of the following “property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the violation,” and/or “property used, or intended to be used, in any manner or part, to commit, or to facilitate,” the offense:

- a. \$5,744 in United States currency seized from 3810 S. 13th Street, Omaha, Nebraska, on or about June 24, 2021;
- b. A Glock 10mm handgun seized from 3810 South 13th Street, Omaha, Nebraska, on or about June 24, 2021;
- c. An Astra 9mm handgun seized from 4309 South 62nd Street, Omaha, Nebraska on June 24, 2021;
- d. A gray 2019 Toyota Tacoma, VIN 3TMDZ5BN9KM062199, seized from Jose Leyva-Martinez on June 24, 2021;
- e. A black 2014 GMC Sierra 1500, VIN 1GTN1TEC0EZ304701, seized from 4309 S. 62nd Street, Omaha, Nebraska on June 24, 2021;
- f. \$468,990 in United States currency seized from 4309 South 62nd Street, Omaha, Nebraska on June 24, 2021;
- g. Real property located at: 4309 S. 62nd Street, Omaha, Nebraska, 68117; more particularly described as: Parcel #2531220826, Western Add Lot 163 Block 0 Irreg, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.

4. Based on Leyva-Martinez’s and Sainsbury’s guilty pleas and admissions, Leyva-Martinez and Sainsbury forfeit their interests in the above-described property and the government should be entitled to possession of the property pursuant to 21 U.S.C. § 853.

5. The government’s Motion for Preliminary Order of Forfeiture is granted.

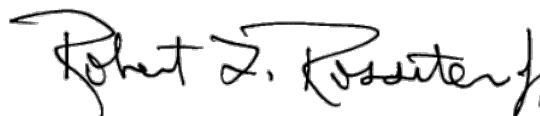
IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 103) is granted.
2. Based upon the Forfeiture Allegation of the Indictment (Filing No. 1) and Leyva-Martinez's and Sainsbury's guilty pleas and admissions, the government is hereby authorized to seize the following property:
 - a. \$5,744 in United States currency seized from 3810 S. 13th Street, Omaha, Nebraska, on or about June 24, 2021;
 - b. A Glock 10mm handgun seized from 3810 South 13th Street, Omaha, Nebraska, on or about June 24, 2021;
 - c. An Astra 9mm handgun seized from 4309 South 62nd Street, Omaha, Nebraska on June 24, 2021;
 - d. A gray 2019 Toyota Tacoma, VIN 3TMDZ5BN9KM062199, seized from Jose Leyva-Martinez on June 24, 2021;
 - e. A black 2014 GMC Sierra 1500, VIN 1GTN1TEC0EZ304701, seized from 4309 S. 62nd Street, Omaha, Nebraska on June 24, 2021;
 - f. \$468,990 in United States currency seized from 4309 South 62nd Street, Omaha, Nebraska on June 24, 2021;
 - g. The piece of real property located at: 4309 S. 62nd Street, Omaha, Nebraska, 68117; and more particularly described as: Parcel #2531220826, Western Add Lot 163 Block 0 Irreg, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.
3. The forfeiture allegation as to the silver Honda Civic, VIN 19XFC2F59GE021141, seized from 4309 South 62nd Street, Omaha, Nebraska on June 24, 2021, as listed in the forfeiture allegation of the Indictment is dismissed.
4. Leyva-Martinez's and Sainsbury's interests in the above-described property are hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
5. The property is to be held by the government in its secure custody and control.

6. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than Leyva-Martinez and Sainsbury, having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
7. The published notice shall state the Petition referred to in Paragraph 6, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the property, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the property and any additional facts supporting the Petitioner's claim and the relief sought.
8. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the property as a substitute for published notice as to those persons so notified.
9. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 30th day of January 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge